

Message Text

LIMITED OFFICIAL USE

PAGE 01 PRETOR 06256 181742Z

ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 INRE-00 NSCE-00

USIE-00 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03

NSAE-00 PA-01 PRS-01 SP-02 SS-15 HA-05 /076 W

-----039612 181750Z /47

O R 181706Z NOV 77

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC IMMEDIATE 9608

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

USMISSION GENEVA

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

USMISSION USUN NEW YORK

LIMITED OFFICIAL USE PRETORIA 6256

E.O. 11652: N/A

TAGS: PINT, PINS, SHUM, SF

SUBJECT: DEATH OF STEVE BIKO: NOV 18 INQUEST PROCEEDINGS

REF: PRETORIA 6227

1. SUMMARY: BIKO FAMILY COUNSEL LOST TWO IMPORTANT PROCEDURAL QUESTIONS REGARDING ADMISSIBILITY OF EVIDENCE ON NOV 18. INQUEST CONTINUES. END SUMMARY.

2. HIGHLIGHT OF NOV 18 BIKO PROCEEDINGS WAS RULING BY MAGISTRATE PRINS THAT DOCUMENTS SUBMITTED BY BIKO FAMILY CONTAINING PRONOUNCEMENTS BY MINISTER OF JUSTICE JIMMY KRUGER ON BIKO CASE WERE NOT ADMISSIBLE AS EVIDENCE. PRINS REJECTED KRUGER STATEMENTS ON GROUNDS THAT THEY WERE NOT RELEVANT TO THE PURPOSE OF THE INQUEST, ARE SECOND HAND HEARSAY, AND FACT THAT BIKO COUNSEL WILL HAVE AMPLE OPPORTUNITY TO CHALLENGE CREDIBILITY OF COL GOSSSEN DURING LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PRETOR 06256 181742Z

OTHER PORTIONS OF THE INQUEST.

3. FOLLOWING PRINS RULING, ADVOCATE VAN ROOYEN, APPEARING FOR POLICE, SAID HE HAD CONSULTED WITH THE MINISTER OF JUSTICE AND WISHED TO INFORM THE COURT THAT TWO OF KURGER'S SENIOR BRIGADIERS, TO WHOM GOSSSENS REPORTED, WILL BE AVAILABLE FOR PRIVATE CONSULTATION

WITH THE BIKO FAMILY LAWYERS FOR THE LIMITED PURPOSE OF ASCERTAINING WHETHER ANY INCONSISTENT STATEMENTS WERE MADE BY THE MINISTER. VAN ROOYEN SAID THIS OFFER WAS BEING MADE TO AVOID ANY CHARGE OF A COVERUP BY THE POLICE. ADVOCATE KENTRIDGE SAID HE APPRECIATED THE OFFER BUT WOULD PREFER A PUBLIC RATHER THAN PRIVATE CONSULTATION. KENTRIDGE AGREED TO MEET WITH THE BRIGADIERS AND LATER DECIDE IF HE WISHES TO REQUEST THAT THEY APPEAR IN COURT. HE SAW THE BRIGADIERS IMMEDIATELY THEREAFTER.

4. SECOND HIGHLIGHT OF NOV 18 PROCEEDINGS WAS LENGTHY ARGUMENT OVER ADMISSIBILITY OF WRITTEN STATEMENTS PURPORTEDLY TAKEN BY SOME OF BIKO'S FRIENDS IMPLICATING HIM IN VARIOUS CRIMES. (NXWLEXTNDED BIKO WAS CONFRONTED WITH SUBSTANCE OF THESE WRITTEN STATEMENTS.) KENTRIDGE STRONGLY CONTESTED ADMISSIBILITY OF THE STATEMENTS ON THE GROUNDS THAT THEY WERE NOT ATTESTED TO, AND THAT THERE WAS NO PROOF AS TO WHEN THEY WERE TAKEN. KENTRIDGE TOLD COURT THAT UNDER NORMAL CIRCUMSTANCES THE PERSON WHO WROTE THE STATEMENT WOULD BE CALLED TO COURT TO TESTIFY, BUT THIS CASE WAS DIFFERENT BECAUSE ALLEGED AUTHORS ARE SECTION 6 DETAINEES AND THUS UNAVAILABLE TO THE COURT. DEPUTY ATTORNEY GNERAL VON LIERES ARGUED THAT STATEMENTS SHOULD BE ADMITTED TO PROVE THEY EXIST AND NOT TO PROVE THEIR CONTENTS. MAGISTRATE PRINS RULED IN FAVOR OF ADMISSIBILITY OF STATEMENTS TO PROVE THEIR EXISTENCE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PRETOR 06256 181742Z

ONLY.

5. CASE CONTINUES NOV 21. PRELIMINARY ANALYSIS FOLLOWS SEPTTEL.
BOWDLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEATHS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PRETOR06256
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770428-0461
Format: TEL
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771142/aaaabjfb.tel
Line Count: 99
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 31eec216-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 PRETORIA 6227
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 531400
Secure: OPEN
Status: NATIVE
Subject: DEATH OF STEVE BIKO: NOV 18 INQUEST PROCEEDINGS
TAGS: PINT, PINS, SHUM, SF, (BIKO, STEVE)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/31eec216-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009